

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
BILLINGS DIVISION**

THE NORTHERN CHEYENNE TRIBE,

Plaintiff,

v.

THE UNITED STATES OF AMERICA;  
the UNITED STATES DEPARTMENT  
OF THE INTERIOR; the BUREAU OF  
INDIAN AFFAIRS; DEBRA  
HAALAND, in her official capacity as  
Secretary of the Interior; BRYAN  
NEWLAND, in his official capacity as  
Assistant Secretary of the Interior-Indian  
Affairs; and RICHARD MELVILLE, in  
his official capacity as Director, Bureau  
of Indian Affairs-Office of Justice  
Services,

Defendants.

No. CV 22-75-BLG-SPW-TJC

**JOINT STATEMENT OF  
STIPULATED FACTS**

Pursuant to Local Rule 16.2 (b)(3), the parties have agreed to the following  
Statement of Stipulated Facts.

1. Plaintiff, the Northern Cheyenne Tribe (the “Tribe”), is a federally  
recognized Indian tribe organized pursuant to Section 16 of the Indian  
Reorganization Act of 1934, 48 Stat. 987 (codified at 25 U.S.C. § 5123).
2. The Tribe has approximately 11,521 members.

3. The Tribe governs and occupies the Northern Cheyenne Reservation (the “Reservation”) in present day southeastern Montana. The Reservation lies within Big Horn and Rosebud Counties.
4. The Reservation is approximately 444,000 acres in size with 99% tribal ownership.
5. Approximately 5,000 Tribal members reside on the Reservation.
6. There are several federal and state highways that cross the Reservation including U.S. Highway 212, Montana Highway 39, and Montana Highway 314.
7. Defendant United States Department of the Interior (“DOI”) is an executive department of the United States and Defendant Bureau of Indian Affairs (“BIA”) is a “subsidiary” agency within DOI.
8. As a subsidiary bureau of DOI, Defendant Bureau of Indian Affairs (“BIA”) is responsible for administering Federal Indian policy.
9. Defendant Debra Haaland, or her successor, is the Secretary of the Department of the Interior of the United States of America (the “Secretary”).
10. Defendant Bryan Newland, or his successor, is the Assistant Secretary of Indian Affairs of the Department of Interior of the United States of America, Bureau of Indian Affairs, (the “Assistant Secretary”).

11. The Assistant Secretary discharges the duties of the Secretary with the authority and direct responsibility to strengthen the government-to-government relationship with Indian tribes; advocate policies that support tribal self-determination and tribal sovereignty; protect and preserve trust assets held by the Federal Government for Tribes' benefit; and administer a wide array of laws, regulations, and functions relating to American Indian tribes and Alaska Natives, individual American Indian and Alaska Native trust beneficiaries, tribal members, and Indian Affairs bureaus, offices, and programs that are vested in the Secretary by the President and the Congress of the United States.
12. Defendant Richard Melville, or his successor, is the Office of Justice Services Deputy Bureau Director and the highest-level BIA official with exclusive oversight of BIA law enforcement responsibilities.
13. Law enforcement on the Reservation involves state, federal, and Tribal authority.
14. Currently, BIA-OJS funds four field programs through which it provides law enforcement services on the Reservation: uniformed patrol, criminal investigations, dispatch/telecommunications, and corrections.
15. All uniformed patrol officers on the Reservation are currently funded, employed, and managed by BIA-OJS.

16. BIA-OJS uniformed patrol officers enforce federal law and the Tribe's Law and Order Code on the Reservation.
17. BIA-OJS uniformed patrol officers are responsible for responding to calls for service within the Reservation.
18. BIA-OJS currently administers the uniformed patrol, dispatch/telecommunications, and corrections programs on the Reservation on a direct-service basis.

Dated this 19th day of October, 2023.

Respectfully submitted,

/s/ Brian W. Chestnut

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## CERTIFICATE OF SERVICE

I certify that on October 19, 2023, I served a copy of the foregoing upon the parties as follows:

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Dated this 19<sup>th</sup> day of October 2023.

s/ Laura Bartholet  
Laura Bartholet, Paralegal/Legal Assistant